

## REMARKS

Claims 1, 3-18, 21-23 are pending in the application.

### **Claim Rejections - 35 U.S.C. 112**

Claims 1, 3-18, 21-23 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite.

The examiner states that claim 1 is indefinite because the casing as illustrated appears to have recesses, projections and steps. Claim 1 has been amended to specify that the recesses or projections etc. refer to the edges, corners, projections of the fastening elements or the recesses that receive the fastening elements. As set forth throughout the specification, the screws (fastening elements) and the recesses or bores for receiving the screws are inside the casing (hidden or concealed) and the exterior of the casing has no screw heads, recesses for receiving the screw heads, projections or steps (see paragraph 0021) and there are no edges, corners etc. where dirt, germs etc. can collect (see paragraph 0011).

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 112 are therefore respectfully requested..

### **Rejection under 35 U.S.C. 102**

Claims 1, 3-11, 14, 14, 21-23 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Malley (US 2,955,487)*.

The present invention is concerned with a casing that is to be used in the food industry where very strict requirements with regard to soiling of the employed motor or transmission casings are posed. No dirt particles, germs or the like should be present on the casings. In order to eliminate the necessity of time-consuming and labor-intensive cleaning of such casings in the food industry, the present invention proposes a casing that has casing parts 2 to 4 connected to one another by fastening elements 5 and 6 that are positioned inside the casing and concealed within the casing such that the fastening elements do not project to the exterior of the casing parts and the exterior of the casing is free of edges, corners, projections, recesses or steps caused by the fastening elements or by recesses for receiving the fastening elements so that dirt particles and germs are prevented from depositing on the exterior of the casing. These features are apparent from

the drawings and explained e.g. in paragraphs 0011 and 0021 of the specification.

U.S. 2,955,487 discloses a housing with parts 7, 8, 10 and 13 connected with screws 11, 14 and pins 15 to one another. The housing parts show at their connecting location screw heads of the screws 11, 14 that extend to the exterior of the housing: they are exposed and accessible from the exterior and cause edges, corners, projections etc. where dirt can collect. The bores that receive the pins 15 open at the exterior surface of the housing; dirt can collect in these outwardly open bores. The housing therefore does not have a continuous contour of the exterior that is free of edges, corners, projections and recesses caused by the fastening elements 11, 14, 15. The fastening elements are not concealed within the casing and are inaccessible when mounted. In the bore of the pins 15 and around the exposed screw heads of the screws 11, 14 dirt and germs can deposit easily.

Such casings are not suitable for use in the food industry because they present a hygienic problem.

The casing of the present invention instead proposes to arrange all fastening elements inside the casing so as to be hidden or concealed within the casing. Neither the fastening elements (screws) nor the recesses or bores for receiving the fastening parts are located at or project from the exterior. Even the screws or recesses at the free end of the casing that is flanged with connecting surface 38 to a motor are not accessible in the mounted position of the casing (the transmission casing must be flanged to a motor - it cannot be operated without being attached to a motor); therefore, in the operative state the fastening elements are inaccessible.

Such a completely enclosed arrangement of the fastening elements of a casing is not shown in U.S. 2,955,487. Claim 1 as amended is therefore not anticipated or obvious in view of the cited prior art reference.

Claims 1, 3-10, 14-17, 21-23 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Schmitter (US 2,869,384)*.

Reference is being had to the above detailed discussion of the features of the present invention. In contrast to the inventive features, *Schmitter (US 2,869,384)* discloses a housing 10 with parts 19 and 35 as well as end wall 42 connected by screws with screw

heads projecting past the exterior of the housing as shown in Fig. 1: the screw fastening the end wall 42 projects from the flange; the screw (near 63) connecting the housing part (disk) 19 to the housing 10 also projects from the exterior; the screw connecting housing part 35 to the housing 10 al projects from the exterior. Dirt and germs can easily collect on these projecting screw heads. The fastening elements in the form of the screws are not concealed within the casing in such a way that the exterior of the casing has a continuous contour that is free of edges, corners, projections, steps caused by the fastening elements or the recesses for receiving the fastening elements.

Such a continuous contour and completely enclosed arrangement of the fastening elements of a casing are not shown in U.S. 2,869,384. Claim 1 as amended is therefore not anticipated or obvious in view of the cited prior art reference and should be allowable together with its dependent claims.

Claims 1, 3-5, 8-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Kitahata (US 6,209,409)*.

Reference is being had to the above detailed discussion of the features of the present invention. In contrast to the inventive configuration, U.S. 6,209,409 shows a housing 6 that is connected by bolts 51 to the pinion housing 11 in such a way that the bolts 51 project outwardly from the housing contour of the exterior of the housing; dirt and germs can collect around the projecting screw head of the bolts 51. The bolts are not concealed within the housing. The housing does not have a continuous contour that is free of corners, edges, projections, recesses and steps caused by the fastening elements or the recesses for receiving the fastening elements.

A completely enclosed arrangement of the fastening elements of a casing as claimed in instant claim 1 is not shown in U.S. 6,209,409. Claim 1 as amended is therefore not anticipated or obvious in view of the cited prior art reference and should be allowable together with its dependent claims.

Claims 1, 14, 16, 17, and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Wetzel (US 5,620,311)*.

Reference is being had to the above detailed discussion of the features of the present invention. The cited prior art reference U.S. 5,620, 311 discloses a motor housing

16 and a pump housing 14 connected thereto by means of the beaded end 45 that encloses the end wall 43 of the sleeve-like bearing component 40. The fastening elements (beaded end 45 and end wall 43) are positioned on the exterior of the housing so that in the area of the beaded end 45 recesses are formed (see Fig. 1) where dirt can collect easily. The recesses are formed by "embossments 44 which are impressed repeatedly in a distributed manner over the periphery of the motor casing 16" (see col. 2, lines 51-54). The embossments therefore provide a housing configuration with a plurality of recesses where dirt and germs can collect. The housing does not have a continuous contour that is free of projections, recesses, and steps caused by the fastening elements or the recesses for receiving the fastening elements. This prior art housing is not suitable for use in the food industry.

Figs. 2 to 4 of this reference show alternatives for connecting the pump motor to the pump housing 14. The screwed-on nut 76 (Fig. 2) projects past the end of the pump housing 14. The cover cap 84 (Fig. 3) has a hexagon socket 88 for receiving an allen key. Dirt and germs can collect or deposit on the nut 76 as well as within the recess 88. Likewise, Fig. 4 shows fastening means that create grooves and recesses where dirt can collect. Removal of deposits particularly from the recess 88 would be very difficult. It is obvious that this reference never considered applications in industrial fields where hygiene and cleanliness are a primary consideration.

In summarizing the above, all of the aforementioned housings show connections of the individual housing parts with one another by fastening elements that cause corners, edges, projections, recesses etc. on the exterior of the housing. For this reason, the casings or housings of the cited prior art are unsuitable for use in the food industry because such housings are prone to collect dirt and germs that are difficult to remove.

The casing according to the present invention is of such a configuration that the risk of dirt and germs collecting on the exterior is eliminated because the fastening elements 5, 6 connect the housing parts 2, 3, 4 such that the fastening elements are arranged completely within or inside the casing and are concealed in the casing. None of the fastening elements 5, 6 extends to the exterior of the casing. The casing 1 is completely closed in the area of the fastening elements (when the casing is flanged to the motor, none

of the screws or recesses for receiving the screws are accessible anymore) so that a smooth exterior surface is provided that is free of projections, recesses, and steps caused by the fastening elements or the recesses receiving the fastening elements. Dirt and germs therefore cannot collect thereon. Should dirt cling to the casing, the casing can be cleaned off easily and completely because of the continuous contour of the exterior that is free of edges, corners, projections etc.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on October 31, 2006,

/Gudrun E. Hockett/

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